

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Luis Paulino Baez and Miguel Regaldo Jimenez

Case No.

16-1537-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 18, 2016 in the county of Philadelphia in the  
Eastern District of Pennsylvania, the defendant(s) violated:

## Code Section

## Offense Description

21 U.S.C. 841(a)(1),(b)(1)(A),(b)(1)  
(B)

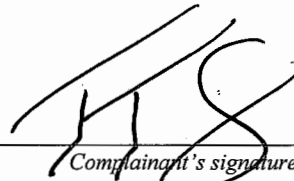
Possession of one kilogram or more of heroin, a schedule I controlled substance, and 500 grams or more of methamphetamine, and 500 grams or more of cocaine, both Schedule II Controlled Substances, with Intent to Distribute

18 U.S.C. 2

Aiding and Abetting

This criminal complaint is based on these facts:

See attached affidavit.

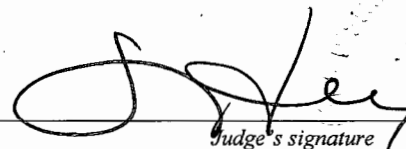
☒ Continued on the attached sheet.


Complainant's signature

John Agnew, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/20/16


Judge's signature

City and state: Philadelphia PA

Hon. Elizabeth T. Hey, US Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND WARRANT**

I, JOHN AGNEW, being duly sworn and according to law, depose and state the following:

**GENERAL BACKGROUND**

1. I am a Special Agent (S/A) with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), Philadelphia office. I am currently assigned to the High Intensity Drug Trafficking Area (HIDTA) money laundering group. I have been employed as a Special Agent for Homeland Security Investigations formerly known as Immigration and Customs Enforcement (ICE) since March 2004. Previously, I was a fraud investigator for the Pennsylvania Attorney General's Office from 2000 to 2004, specializing in civil fraud investigations. In my current position, I investigate violations of immigration and customs related laws. I have received specialized training in the interpretation and application of federal laws, federal court procedures and the laws pertaining to immigration and customs violations.

2. Through my training, experience, and education from working with other agents, I have developed a competence in identifying and investigating federal crimes, including narcotics violations. Through my training, experience, and education from working with other agents, I have become familiar with the methods that individuals use to traffic narcotics and the proceeds from the sale of narcotics.

3. As part of my duties as a Special Agent for Homeland Security Investigations, I investigate how Drug Trafficking Organizations (DTO) transport controlled substances and drug trafficking instrumentalities, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846. I have been trained in various aspects of law enforcement, including the investigation of narcotics offenses.

4. This Affidavit is being submitted in support of an application seeking an arrest warrant for Luis PAULINO BAEZ and Miguel REGALDO JIMENEZ for violations of Title 21 United States Code, Section 841 and Title 21 United States Code, Section 846.

5. This affidavit is based upon my personal knowledge, experience and training, and other information developed during the course of this investigation. This affidavit is also based upon information and experience imparted to me by other law enforcement officers.

#### **SUMMARY OF PROBABLE CAUSE**

6. On November 18, 2016 members from the HSI HIDTA Task Force went to the area surrounding the 3100 block of Windish Street in the city of Philadelphia, based on a previous investigation into narcotics activity. While in the area, Philadelphia Police Department (PPD), Task Force Officer Vargas, assigned to HSI, observed a Black 2006 Jeep Cherokee displaying Pennsylvania registration KCF-4602 with an aftermarket compartment.

7. Task Force Officers set up surveillance on the Black Jeep Cherokee that was parked near the corner of Sackett and Windish Streets.

8. At approximately 1645 hours PPD Detective Henry, also assigned to HSI as a TFO, observed (2) two Hispanic males, later identified as Miguel REGALDO JIMENEZ, DOB 11/29/1988, PA OLN#30919267 and Luis PAULINO BAEZ, DOB 10/28/1986, PA OLN#29826048, enter the Black Jeep Cherokee displaying Pennsylvania registration KCF-4602. Both males were observed climbing from the front of the vehicle to the back and disappearing under the dashboard. Specifically, JIMENEZ was first observed in the driver side, and Baez was in the passenger side of the vehicle. JIMENEZ climbed into the back seat where he was out of officers' view. At the same time BAEZ was under the front dashboard. After about 6-8 minutes JIMENEZ climbed to the front seat driver side and then BAEZ climbed to the rear seat where he

was out of officers' view. JIMENEZ remained under the dashboard on the driver side. After about five minutes BAEZ climbed back to the passenger seat. Based on TFO Henry's training and experience, he believed that the combination to open the subsequently discovered aftermarket compartment required a release from under the dash area. For the next ten minutes JIMENEZ remained in the driver-seat and BAEZ remained in the passenger seat and they appeared to converse.

9. When they departed the area, JIMENEZ drove the vehicle and BAEZ rode in the passenger seat. TFO Henry followed them and observed JIMENEZ drive around to Nesper Street, and both JIMENEZ and BAEZ remained in the vehicle for approximately 3-5 minutes and then males both exited the Jeep. They walked together to Sackett Street, then to Windish Street, and then split up with JIMENEZ in getting into a Ford transit Van with no passenger and BAEZ getting into the drivers' seat of a Gold Ford Escape with no passengers.

10. TFOs Vargas and Henry followed PAULINO BAEZ operating the Gold Ford Escape displaying Pennsylvania vehicle registration KBZ-8081 to Battersby and Cottman Avenue. At this point TFO Vargas initiated a traffic stop on the Gold Ford Escape for motor vehicle violations and TFO Henry went back to the 3100 block of Nesper Street to surveil the Black Jeep Cherokee displaying Pennsylvania registration KCF-4602.

11. At the traffic stop of the Gold Ford Escape, TFO Vargas engaged in general conversation with PAULINO BAEZ and explained that he was being stopped for following too closely to another vehicle. TFO Vargas asked PAULINO BAEZ who owned the vehicle and PAULINO BAEZ stated it was his friend's girlfriend's vehicle, but could not provide her name. TFO Vargas found this answer odd given that the address for the vehicle's registration was the same address as PAULINO BAEZ's driver's license. TFO Vargas also noticed that PAULINO

BAEZ was extremely nervous, his hands were shaking badly, his chest was rising up and down and he was not able to relax and sit on the rear bumper of the vehicle while TFO Vargas waited for backup to arrive. After completing record checks from his vehicle, TFO Vargas returned PAULINO BAEZ's driver's license, proof of insurance and vehicle registration. At this point, additional units arrived and TFO Vargas asked PAULINO BAEZ for consent to search the vehicle. PAULINO BAEZ gave TFO Vargas consent to search the vehicle and added that there is nothing in the car that he is aware of.

12. TFO Vargas searched the front interior of the vehicle with negative results. He then looked underneath the vehicle and observed in the cargo area of the vehicle what he believed, based on his training and experience, an aftermarket compartment. After discovering the aftermarket compartment, TFO Vargas heard radio traffic from TFO Henry indicating that TFO Henry observed JIMINEZ walking back towards the Jeep on Nesper Street acting suspiciously. At this point TFO Vargas detained PAULINO BAEZ for further investigation. TFO Vargas then used a flat head screwdriver to open up the aftermarket compartment and upon doing so, observed (2) two clear sandwich bags and (1) one tan plastic bag.

13. At approximately 1710, TFO Henry observed REGALDO JIMENEZ walking in the 3100 block of Nesper Street. REGALDO JIMENEZ was looking up and down the street and looking in cars in an attempt to detect law enforcement surveillance. He then got into the Black Jeep Cherokee, displaying Pennsylvania registration KCF-4602 and drove away at a high rate of speed. TFO Henry followed REGALDO JIMENEZ to the 3100 block of Guilford where REGALDO JIMENEZ jumped out of the vehicle and ran southbound between the houses onto the 3100 block of Teesdale Street. He was found by law enforcement personnel hiding under a parked car. At this point TFO Henry detained REGALDO JIMENEZ for further investigation.

14. At approximately 1854 hours, the black Jeep Cherokee and the Gold Ford Escape (refer to as TARGET VEHICLES) were exposed to a drug detention canine named "Hugo". K-9 Hugo is handled by Officer James Sweeney of the Whitemarsh Township Police Department. Officer Sweeney has been employed by the Whitemarsh Township Police Department since August 2004. He has been assigned as a K-9 handler since October 2009. Officer Sweeney and K-9 Hugo completed an intensive 250-hour training program, after which they were certified Narcotics/Patrol Team through the North American Police Working Dog Association (NAPWDA) from 2009-2016. In March 2016, Officer Sweeney and K-9 Hugo became a certified Narcotics detection team through the United States Police Canine Association (USPCA) region 6. K-9 Hugo is trained to detect the odor of controlled substances, to include marijuana, hashish, cocaine, crack cocaine, heroin, ecstasy and methamphetamine. In addition to initial training, Officer Sweeney and K-9 Hugo continue to maintain certification by receiving a minimum of (16) sixteen hours of monthly training through the University of Pennsylvania Working Dog Center and yearly re-certification to the standards set forth by USPCA. In addition, they attend several monthly trainings with various Police agencies throughout the Delaware Valley. Officer Sweeney advised HSI TFO Weber that upon exposure to the TARGET VEHICLES, K-9 Hugo alerted positive to the odor of the presence of illegal narcotics emanating from the TARGET VEHICLES.

15. At this point the target vehicles were secured and towed to the Philadelphia Police Department, Strike Force Head Quarters.

16. On November 18, 2016, state search warrants were obtained to search the Gold Ford Escape displaying Pennsylvania vehicle registration KBZ-8081 and the Black Jeep Cherokee displaying Pennsylvania vehicle registration KCF-4602.

17. On November 19, 2016, at approximately 0005 hours, a search warrant was executed on the 2012 Gold Ford Escape. This vehicle is registered to Carmen HERNANDEZ, 642 Rosalie Street, Philadelphia, PA 19120. This vehicle was being operated by, Luis PAULINO BAEZ.

18. During the search warrant on the 2012 Gold Ford Escape, in the rear cargo area of the vehicle inside the aftermarket hidden compartment officers recovered (1) one clear sandwich bag containing a large chunk of a white powdery substance believed to be cocaine with an approximate weight of 178 grams, (1) one clear sandwich bag containing a white rock crystal substance believed to be methamphetamine with an approximate weight of 108 grams, (1) one tan plastic bag that contained 2,867 clear zip lock packets with a paper stamped "Rolex" and "House Party" that contained an off white powdery substance believed to be Heroin with an approximate weight of .86 kilograms. The suspected narcotics were field tested by TFO Vargas and the white powdery substance tested positive for cocaine, the white rock crystal substance tested positive for methamphetamine, and the off-white powdery substance tested positive for heroin.

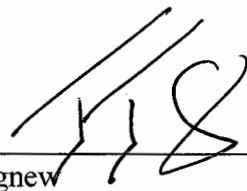
19. On November 19, 2016, at approximately 0005 hours, a search warrant was executed on the 2006 Black Jeep Cherokee. This vehicle is registered to James RODRIGUEZ, 5001 Rorer Street, Philadelphia, PA 19120. This vehicle was being operated by Miguel Antonio REGALDO JIMENEZ.

20. During the search warrant on the 2006 Black Jeep Cherokee, displaying Pennsylvania vehicle registration KCF-4602, in the rear cargo area of the vehicle inside an aftermarket hidden compartment agents and officers recovered (11) eleven Black/Blue tapped kilogram size bricks containing an off white powdery substance believed to be Heroin, (9) nine clear sandwich bags containing an off white powdery substance believed to be Heroin, (4) four heat sealed zip lock

bags containing an off white powdery substance believed to be Heroin; all of the items believed to be Heroin had an approximate weight of 15.484 kilograms. Additional items recovered were (1) one green cellophane wrapped kilogram sized brick and (1) one white piece of plastic containing a white powdery substance suspected to be Cocaine with an approximate weight of 1.87 kilograms; (2) two aluminum foil and heat sealed kilogram sized brick containing a white crystal rock substance believed to be Methamphetamine with an approximate weight of 3.34 Kilograms; (1) one clear heat sealed bag containing a white powdery substance and (3) three aluminum foil kilogram sized bricks containing a white powdery substance suspected to be Fentanyl with an approximate weight of 4.412 Kilograms. The suspected narcotics were field tested by TFO Vargas and the off-white powdery substance field tested positive for heroin, the white powdery substance field tested positive for cocaine, and the white rock crystal substance field tested positive for methamphetamine. On November 19, 2016, officers conducted a field test on the one clear heat sealed bag containing a white powdery substance and the three aluminum foil sized bricks with an approximate weight of 4.4 kilograms and the initial field test on the unknown substance was negative. On November 21, 2016, TFO Vargas conducted a field test on the unknown substance with a fentanyl test kit that returned positive results for fentanyl.


21. Also recovered from the 2006 Black Jeep Cherokee, underneath the front passenger side seat was (1) one black pouch bag containing 584 clear zip lock packets with blue and/or glassine stamps with the names/symbols of the following: 24k, Gucci, Google, Sponge Bob, Rolex, House Party, Ferrari (Emblem), Versace, Ducati, Playboy (Bunny), Dirty Sprite and one with a name/symbol that was unreadable. All of these packets contained a white powdery substance believed to be Heroin.

22. Based on this investigation and the above facts, your affiant submits that there is probable cause to believe that Miguel REGALDO JIMENEZ and LUIS PAULINO BAEZ violated Title 21, United States Code, Section 841(a)(1), (b)(1)(A) Possession of 500 Grams or More of Cocaine, 1 kilogram or more of Heroin, and 500 grams or more of methamphetamine with Intent to Distribute, and Title 18 United States Code, Section 2, aiding and abetting the possession of a controlled substance with the intent to distribute.

  
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John Agnew  
Special Agent, HSI

Sworn to and subscribed before me this  
20<sup>th</sup> day of December, 2016

BY THE COURT:

  
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HONORABLE ELIZABETH T. HEY  
United States Magistrate Judge